

COEUR D'ALENE, FRIDAY, APRIL 6, 2012 AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**IN THE MATTER OF THE ESTATE OF
KATHLEEN R. CONWAY, DECEASED.**

TANYA WOODEN,

Petitioner-Appellant,

v.

**W. CECIL MARTIN, Personal
Representative of the ESATE OF
KATHLEEN R. CONWAY and DEAN
VIERS,**

Respondents-Respondents on Appeal,

and

TANYA S. VIERS,

Respondent,

and

BRUCE BOYDEN, Chapter 7 Trustee,

Intervenor-Appellant.

Docket No. 38430

Appeal from the District Court of the Second Judicial District, State of Idaho,
Nez Perce County. Hon. Carl B. Kerrick, District Judge.

Creason, Moore, Dokken & Geidl, PLLC, Lewiston, for appellant.

Jones, Brower & Callery, PLLC, Lewiston, for respondent.

This appeal arises from a will contest brought by Tanya Wooden on the basis that the Last Will and Testament of Kathleen R. Conway was executed without testamentary capacity and under

the undue influence of W. Cecil Martin—Conway’s son, guardian, and the personal representative of her estate.

Conway had three natural children during her lifetime but also played a significant role in raising her niece, Wooden. Conway executed her first will in January 2001, which divided 80% of her estate equally among her children and Wooden. In February 2004, Martin was appointed Conway’s guardian due to mental infirmities she was suffering. In April 2004, Martin introduced Conway to an estate attorney he knew, Michael Wasko. After several meetings between Conway and Wasko, Conway executed another will in May 2004. This will divided 90% of Conway’s estate equally among her three children, with 10% being divided among Wooden and Conway’s grandchildren.

Conway died March 15, 2009, and her 2004 will was admitted to probate. Wooden brought a challenge, arguing that the 2004 will was invalid because it was executed without testamentary capacity and under the undue influence of Martin, leaving the 2001 will as the last valid will of Conway. After a trial, the magistrate court denied Wooden’s claims. She appealed to the district court, claiming that the magistrate made several evidentiary errors, misapplied the presumption of undue influence applicable to fiduciaries like Martin, and made unsupported factual findings. The district court affirmed the magistrate court, and Wooden now appeals the same issues to the Idaho Supreme Court.

COEUR D'ALENE, FRIDAY, APRIL 6, 2012 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**JERRY MACHADO and TERRY
MACHADO, husband and wife,**

**Plaintiffs/Counterdefendants/Appellants/
Cross-Respondents,**

v.

**CHARLES L. RYAN and CAROL RYAN,
husband and wife, Trustees of the CHARLES
AND CAROL RYAN TRUST, JANE DOE
RYAN, JOHN DOE RYAN, JOHN DOES I-
III, JANE DOES I-III, and any other person
or entity claiming an interest in the following
parcel of real property located in the County
of Benewah, State of Idaho, to Wit: a tract of
land situated in the Northwest Quarter of the
Southeast Quarter of the Southeast Quarter
of Section 19, Township 45 North, Range 1
West of the Boise Meridian, County of
Benewah, State of Idaho,**

**Defendants/Counterclaimants/
Respondents/Cross-Appellants.**

**CHARLES L. RYAN and CAROL RYAN,
husband and wife,**

**Third-Party Plaintiffs/Respondents/
Cross-Appellants,**

v.

**RICHARD F. CLINTON and JOHN DOES I-
III, JANE DOES I-III, and any other person
or entity claiming an interest in the following
parcel of real property located in the County
of Benewah, State of Idaho, to Wit: a tract of
land situated in the NW 1/2 of the SE 1/4 of
the SE 1/4 of Section 19, Township 45 North,
Range 1 West of the Boise Meridian, County
of Benewah, State of Idaho,**

Docket No. 37888

)
Third-Party Defendants/Appellants/)
Cross-Respondents.)
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KRISTOPHER JONES,)
)
Intervenor/Respondent/Cross-Appellant,)
)
v.)
)
RICHARD CLIFTON, JERRY MACHADO)
and TERRY MACHADO, husband and wife,)
and JOHN DOES I-III, JANE DOES I-III,)
and any other person or entity claiming an)
interest in the following parcel of real)
property located in the County of Benewah,)
State of Idaho, to Wit: a tract of land situated)
in the NW 1/2 of the SE 1/4 of the SE 1/4 of)
Section 19, Township 45 North, Range 1 West)
of the Boise Meridian, County of Benewah,)
State of Idaho, and a tract of land situated in)
the NW 1/4 of the SW 1/4 of the SE 1/4 of)
Section 19, Township 45 North, Range 1 West)
of the Boise Meridian, County of Benewah,)
State of Idaho,)
)
Defendants/Appellants/Cross-)
Respondents.)

Appeal from the District Court of the First Judicial District, State of Idaho,
Benewah County. Hon. Lansing L. Haynes, District Judge.

Linscott Law Firm, PLLC, Coeur d'Alene, for appellants.

Ian D. Smith, Coeur d'Alene, for respondents.

Jerry and Terry Machado (the Machados) and Richard Clifton appeal from the district court's decision finding that their properties are burdened by an express easement and an implied easement by necessity in favor of Charles and Carol Ryan (the Ryans) and Kristopher Jones. The Ryans and Jones cross-appeal the district court's failure to rule on their claims of implied easement by prior use and easement by prescription.